

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16505, of The George Washington University (Mt. Vernon Campus), pursuant to 11 DCMR 3104.1, for a special exception under Section 210 for the approval of an updated campus plan and for further processing to allow the construction of an addition to Somers Hall to provide for additional dormitory space; construction of a softball field on the southeast corner of the campus; and reconstruction of the existing tennis courts to include underground storage, athletic support space and parking spaces for 175 cars in R-1-A and R-1-B Districts at premises 2100 Foxhall Road, N.W. (Square 1374, Lot 850).

HEARING DATES: November 17 and December 15, 1999

DECISION DATE: December 15, 1999 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANC) 3D and 2E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3D. ANC 3D, which is automatically a party to the application, filed a written statement, dated December 14, 1999, withdrawing the concerns and opposition expressed in resolutions attached to letters dated October 28 and November 13, 1999, and supporting the application including the conditions contained in the agreement between the applicant and the Neighborhood Alliance.

As directed by 11 DCMR 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 210. The Neighborhood Alliance appeared and was granted party status in support of the application including the conditions agreed to between the applicant and the Alliance. No other person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met its burden of proof, pursuant to 11 DCMR 3104.1, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED** subject to the following conditions:

1. Approval of the Campus Plan shall be through December 31, 2010.
2. The Plan shall be as shown in the revised Campus Plan 2000-2010, Exhibit No. 117 in the record.
3. The Campus Plan application includes further processing approval of the construction of an addition to Somers Hall; construction of a softball field on the southeast corner of the campus; and reconstruction and enhancement of the existing tennis courts to include underground storage, athletic support spaces, additional tennis courts, and parking spaces for 175 cars.
4. The University shall submit to the Board, as a special exception, each individual request to construct a building other than the buildings included in the further processing approval for Phase 1.
5. Lot 806 in Square 1385, which fronts on Berkeley Terrace, N.W., shall not be included in the Campus Plan.
6. The Campus Plan is subject to the following population caps with the proviso that after five years, the University may go back to the BZA for an increase in the head count cap provided it is in substantial compliance with the conditions of this order:
 - (a) The traditional student population shall not exceed 1000 full time equivalent (FTE) students, which shall not exceed a 1500 head count.
 - (b) GW/MVC resident students shall each be counted as one full-time student for purposes of calculating FTE's, regardless of how many credit hours are taken by such resident students.
 - (c) The non-traditional, evening and weekend continuing education student population, including conference attendees, shall not exceed 300 on any given day during the spring and fall semester. During the summer months, the number of participants in campus activities or programs, including students, shall not exceed 1000 FTE, which shall not exceed 1500 head count on any given day.
 - (d) The proportion of non-resident to resident students enrolled in regular day-schedule courses on the GW/MVC campus will not exceed approximately 50 percent at any time during the life of the Campus Plan provided the University obtains the regulatory approvals for the future residence hall construction proposed in this Campus Plan.

- (e) The FTE and head count apply at all times. The FTE computation for the Mount Vernon Campus shall be determined yearly and shall be provided to the community in January of each year, starting January 2001. In addition, if requested, the University shall make available to the community its annual IPEDS to the US Government that reports student population for the University.

7. Vehicular access to the campus shall be limited and controlled as follows:

- (a) At completion of Phase 1, the new Whitehaven Parkway entrance shall become the exclusive 24-hour vehicular entrance to the campus for all GW student, faculty, staff, regular vendor, shuttle service, athletic department and Pool and Tennis Club vehicles. The entrance will be controlled through use of an automatic gate activated by a GWorld card (or other equivalent similar method) which will be made available to all the above. Additionally, instructions regarding the use of the Whitehaven entrance and the prohibition on use of the W Street entrance by the above identified vehicular users will be provided to such users. The entrance will be staffed as necessary to facilitate the easy flow of traffic in and out of the campus off of and onto Whitehaven Parkway. Further, the gatehouse staff controlling the W Street entrance will be instructed to enforce the prohibition on the use of that entrance and exit by all vehicles in the above-mentioned categories, i.e., GWorld card holders. The applicant shall use its best efforts to have visiting athletic teams and their supporters use the Whitehaven Parkway entrance, including vans and buses transporting them. The Applicant estimates that over 90% of campus related vehicles will use the Whitehaven Parkway entrance after completion of Phase 1.
- (b) Use of the W Street entrance by vehicles shall be limited to those visitors not required to use the Whitehaven entrance per the above. Vehicular access through the W Street entrance will be controlled, and restrictions enforced, including the restriction on all University-related parking on W Street, by security staff on duty 24 hours a day. Visitors may include parents and family members of GW students, prospective students and their families, alumni, trustees, advisory board members, guest speakers, patrons of performing arts presentations, members of the community not officially associated with the University or the Pool and Tennis Club, and attendees of special events, who are not restricted to using the Whitehaven entrance by virtue of holding a GWorld card.
- (c) The applicant will use its best efforts to avoid backup on W Street of visitors awaiting entrance onto the campus or exiting the campus. For larger special events that may have a high attendance of visitors or in other instances when there is a concentration of visitors entering or leaving the campus, the University is responsible for managing traffic in and out of the campus to minimize traffic

backup on W Street, using staff and using on-campus traffic management techniques. The University also shall be responsible for managing pick up and drop-off of students and others using the campus to minimize traffic backup on W Street, using staff and using on-campus traffic management techniques. The University may, where necessary to alleviate visitor traffic congestion on W Street, have visitors exit the campus using the Whitehaven Parkway exit.

8. To minimize the visual impacts of the Campus and enhance landscaping, the following conditions apply:
 - (a) The University shall augment its proposed landscaping plan to add enhanced landscaping on the perimeter of the campus to screen and buffer campus activities from adjoining properties and to further screen the W Street parking area, as shown on the revised landscape plan marked as Sheet C-3 (Site Development Plan, Athletic Facilities Project) of Exhibit No. 109 of the record. The University will create a dedicated landscaped buffer area along the W Street side of the campus to minimize visual impacts on the W Street residential neighbors, as shown on Sheet C-3 (Site Development Plan, Athletic Facilities Project) of Exhibit No. 109 of the record. The University will maintain a regular tree maintenance program as outlined at the BZA hearing. The University shall implement the new W Street plantings no later than June 1, 2000. The revised landscape plan as implemented by the University will minimize vehicle headlights to the extent possible. After completion of Phase I, the W street visitor parking lot will not be used for truck or bus storage.
 - (b) The new Hillside residence halls will be set back 60 feet from the campus property line along W Street and 90 feet from the campus property line along W Street with respect to the hall nearest Foxhall Road as shown on Exhibit A to Exhibit 109 of the record.
 - (c) The existing wooded buffer area between the campus and Berkeley Terrace neighbors will be maintained and enhanced with additional trees and shrubs to minimize the impacts of any further campus development.
 - (d) The Pelham residence hall replacement will be set back 125 feet from the campus property line along Berkeley Terrace and the location of the building will be moved south as shown on Exhibit B to Exhibit 109 of the record.
 - (e) Specified environmentally sensitive areas of the campus, shown on Exhibit C to Exhibit 109 of the record, will be designated as "protected areas" and not subject to new campus development. Existing development and improvements in Phase I are not affected by this limitation.
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- (f) The University acknowledges the neighbors' concern that the roofline of the proposed Pelham replacement and the new Hillside residence halls to be constructed in Phases 2 through 5 be no higher than the height of the existing building on campus they are replacing. The University will address this additional concern in the design of these buildings as part of the further processing case for each building designed. The Alliance and the undersigned neighbors acknowledge, however, that the location and design changes already proposed in response to neighbor concerns as part of this agreement may limit the ability of the University to address this further concern.

9. The following conditions control traffic and off-site parking.

- (a) Until implementation by DPW of planned area-wide traffic improvements, the regular GW/MVC shuttle bus route will continue to be the current one, W Street to Foxhall to Whitehurst Freeway. The alternative route will be W Street to Foxhall to Whitehaven to MacArthur, to be used only in the event of emergency or significant delays along the regular route, provided that the alternative route is not rendered unsafe due to accident, weather conditions or other similar events.
 - (b) After implementation by DPW of planned area-wide traffic improvements, GW/MVC regular shuttle bus routes, or the alternative route, shall be used absent an emergency. The University agrees to support the community regarding the area-wide traffic improvements.
 - (c) The University shall require all students, faculty, staff, and vendors servicing the Campus to park on the Mount Vernon Campus and shall prohibit, to the extent permitted by law, students, faculty, staff, and vendors from parking on the streets adjacent to and surrounding the Mount Vernon campus. The University shall use its best efforts to cause other University-related vehicles to park on the Campus. To accomplish these purposes, the University shall have in place a system of administrative actions, penalties and fines for violations, which may be adjusted from time to time as needed. The community recognizes that the University has no authority or obligation to tow or remove cars parked on public streets. The community will be informed at the first or second community liaison meeting about what the University is permitted by law to do in carrying out any aspect of its parking program.
 - (d) Construction employees, contractors and subcontractors shall by contract be prohibited from parking on W Street or surrounding streets under penalty of fines. Visitors to the campus, including attendees of all conferences, will be encouraged to use on-campus parking and, where feasible, notified in advance to do so.
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- (e) For conferences and larger special events, the University also will work with area institutions in order to provide additional parking, as needed.
10. The University shall abide by the District of Columbia noise regulations set forth in 20 DCMR Subtitle C. No sound amplification systems with multiple components and large free standing speakers will be permitted on the soccer field after 7:00 p.m., unless an official overtime is declared, and except as provided in the next sentence. To the extent that such sound amplification systems are needed on the soccer field for non-athletic special events such as graduation, 4th of July celebrations and other special events, these events will be limited to 12 per year (an additional number of events can be approved at the quarterly community meeting), will comply with District of Columbia noise regulations, and all reasonable efforts will be made to reduce the impacts on surrounding residential areas. The University shall establish and publicize a "hot-line" telephone number to the University Police Department, which shall be provided to Advisory Neighborhood Commissions 3D and 2E and the Foxhall and Palisades Citizens Associations, which neighbors can call with questions or concerns regarding campus noise and activity. There will be no amplified music on the tennis courts after 7:00 p.m.
11. (a) All on-campus exterior lighting shall be designed in a high quality manner reasonably designed to minimize impacts upon neighboring properties. Such lighting shall adequately light pathways, building entrances and other areas of the campus in a manner adequate for the security of students and others, and shall in general be low-level lighting, including architectural quality light pole lights and soft tree lighting. New buildings shall not be illuminated by spot or flood lights. Lighting specifications shall be developed and designed by consultants with expertise in techniques to minimize impacts upon neighbors. Special attention shall be paid to the lighting of entrance areas, garage ramps, and other points that traditionally are more highly lit than the general level of campus lighting, to be certain that such areas are not unnecessarily intrusive to neighbors.
- (b) Outdoor athletic facilities shall not be lighted at night, except for the tennis courts, which may continue to be lighted in accordance with its current schedule (11:00 p.m.) and the lighting of which shall be designed to make the reasonable best effort not to throw light laterally. There will be no night games scheduled on the soccer field.
- (c) During future building design and regulatory review, the University will make reasonable efforts to minimize negative interior lighting impacts on residential neighbors, especially in developing the patterns of fenestration and areas that require 24 hour lighting for security or building code purposes.

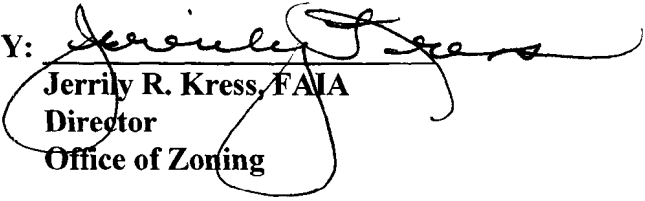
12. The applicant shall establish and maintain a community liaison program consisting of representatives of the University, the ANC, and the neighborhood. The applicant shall hold meetings of the community liaison members at least four times per year at a location in the community. Notice of the meetings shall be mailed to the ANC and abutting property owners and owners directly across the street at least one week prior to the meetings. Meeting agendas will be set after consultation with community liaison members. The applicant shall update the Board on the community meeting process at the time of filing each further processing or Campus Plan amendment application.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (Carol Mitten, Jerry Gilreath and Robert Sockwell to approve; Sheila Cross Reid not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


Jerrily R. Kress, FAIA
Director
Office of Zoning

FINAL DATE OF ORDER: FEB - 8 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO §3125.6"

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPEAL NO.: 16505

As Director of the Office of Zoning, I certify and attest that on FEB - 8 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Maureen E. Dwyer, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W. Suite 1100
Washington, D.C 20006

The Neighborhood Alliance
Robert R. Elliott, Esquire (Counsel)
Elliott & Sugarman
3251 Prospect Street, NW, Suite 500
Washington, D.C. 20007

Eleanor Roberts Lewis, Chairperson
Advisory Neighborhood Commission
Ernst Auditorium, Sibley Hospital
P.O. Box 40820
Washington, D.C. 20016

Attested by:


JERRILY R. KRESS, FAIA
Director

Date: FEB - 8 2000

Attest/SO #16505/1-18-00/poh